



HISTORIC LANDMARKS COMMISSION

SYNOPSIS

November 4, 2015

Regular Session

6:30 p.m.

San Jose City Hall, Wing Room 120

200 East Santa Clara Street

San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Rachel Grothe

Patricia Jones

Anthony Raynsford

Max Schultz

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

ROLL CALL

All Commissioners Present

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

No Items

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

- a. **[HPAD15-549](#)**. Historic Preservation Permit Adjustment for Donner-Houghton House Interpretive Displays to be mounted on the façade of the housing project that is under construction at the former site of the Donner-Houghton House at south east corner of N 4th Street and E St. John Street.
PROJECT MANAGER, MARTINA DAVIS

The Commission voted 6-0-0 to recommend that the Director of Planning approve the Historic Preservation Permit Adjustment as proposed.

- b. **[Revision to Guidelines for Preparing Historic Reports](#)**. *PROJECT MANAGER, MARTINA DAVIS*

The Commission commented that proposed modification on the second paragraph of the first page appeared to remove the requirement that the report be prepared by a qualified consultant and suggested that it be changed to be clear that the report is to be prepared by a qualified consultant. The Commission questioned why the first sentence

on the second paragraph relating to preparation of a Negative Declaration was removed. Staff stated that this was because a project that does not have a significant impact on a historic resource does not necessarily receive clearance through a Negative Declaration and that the removal of this statement was intended to simplify the Guidelines and does not eliminate a CEQA requirement. Staff will evaluate revising this language further.

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Mr. Brian Grayson informed the Commission that he is on the Steering Committee for the Levitt Pavilion proposal in St. James Park. He is concerned that the potential impacts to the historic district will not be adequately analyzed and considered.

6. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

Site Development Permit File No. HA14-023-01 that was heard by the Commission at the October 7th meeting was approved by the Director of Planning on October 14th. The Commission's recommendation to provide additional articulation at the blank wall facing the adjacent Berger building was incorporated. The Commission's recommendation to provide a more solid form at the base of the building was analyzed, but not incorporated.

2. Future Agenda Items

Staff informed the Commission that a review of the annual Certified Local Government report will be heard at the next meeting, and an update of the Historic Resources Inventory will also be heard at a future meeting. Staff will provide an update regarding the progress of the Levitt Pavilion proposal at the next meeting.

3. Summary of communications received by the Historic Landmarks Commission

No communication received.

4. Update on conformance to approved Historic Preservation Permit File No. HP14-006 for reconstruction of City Landmark No. 180, Ken Ying Low Chinese Restaurant located at 625 N. 6th Street. [Photos 10-27-15](#), [Elevations](#)

Staff informed the Commission that they visited the site and determined that the siding materials being installed matches the approval and that the windows do not currently match the approval because the approved trim and decorative grilles have not yet been installed. Staff will continue to monitor the construction for compliance with the Historic Preservation Permit.

5. Notification pursuant to City Council Policy on Preservation of Historic Landmarks that a Site Development Permit (File No. H15-047) was filed on September 28, 2015 for a project that would result in partial demolition of City Landmark No. 74, Herrold College, located at 465 S. 1st Street.

Staff informed the Commission that the application has been filed. The project will be brought before the Commission at the next hearing to receive comments from the public and Commission regarding the information to be included in the analysis of the project. A Historic Preservation Permit will be required for the project, which will be referred to the Commission.

6. 2016 Historic Landmarks Commission Calendar: February 3, March 2, April 6, May 4, June 1, August 3, September 7, October 5, November 2, and December 7.

- b. Report from Chair Saum on the California Office of Historic Preservation Workshop: Local Government Historic and Cultural Resources Training.

Chair Saum provided the following summary: The first section was a presentation from the chair of the City of Davis' Historic Commission regarding meeting procedure, such as how to stay within the purview of the Commission, and that the presenter recommended that Commissioners mention their personal expertise and experience when making comments on a proposal. The second portion was regarding archaeology and procedures related to discovery of prehistoric resources, and the third section was related to Sacramento's approach to historic preservation and information on Sacramento's historic districts and areas.

- c. Report from Committees

1. Design Review Subcommittee (Saum, Schultz and Jones)
Meets the 3rd Wednesday of the month as necessary

The Committee reviewed a Historic Preservation Permit Adjustment application for installation of a new outdoor patio at the Montgomery Theater City Landmark. Chair Saum summarized the Committee's comments regarding preservation of mature trees, installation of new light fixtures, use of various materials, and placement of the proposed fire pit. Staff noted that the project applicant provided positive feedback regarding their experience at the Design Review Committee.

- d. Approval of Synopsis

1. **Recommendation:** Approval of Synopsis for [October 7, 2015](#)

Synopsis Approved (6-0-0)

- e. Status of Circulating Environmental Documents: Negative Declarations
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports
<http://www.sanjoseca.gov/index.aspx?NID=2434>

Staff informed the Commission that the City posted a Notice of Preparation of an update to the Downtown Strategy 2000 plan and associated Environmental Impact Report. At this time, changes to historic preservation elements of this policy are not contemplated, with an exception to remove the guideline from the Downtown Strategy 2000 that calls for high rise buildings to be built adjacent to St. James Park, as this is contrary to the adopted St. James Square Historic District Design Guidelines and conformance to which are a mitigation measure to the EIR.

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.